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Attorneys for Defendants
ROMI MAYDER, SILICON TEST SYSTEMS, INC.,
SILICON TEST SOLUTIONS LLC, and WESLEY
MAYDER

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC., a Delaware Corporation,

Plaintiff,

v.

ROMI MAYDER, an individual; WESLEY
MAYDER, an individual; SILICON TEST
SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 5:07-cv-04330-RMW (HRL)

**[PROPOSED] ORDER GRANTING
MOTION FOR PARTIAL SUMMARY
JUDGEMENT ON PLAINTIFF'S SECOND
CLAIM FOR RELIEF AND DEFENDANTS
FIRST AND SECOND COUNTERCLAIMS
AND GRANTING TRO; [PROPOSED]
TEMPORARY RESTRAINING ORDER**

Before: Judge Ronald Whyte
Ctrm: 6
Date: October 17, 2008
Time: 9:00 a.m.

Complaint Filed: August 22, 2007
Trial Date: December 8, 2008 (jury trial)
(Defendants have elected to reserve their jury
trial rights under F.R.C.P., Rule 38)

1 Defendants' motions for partial summary judgment and for a TRO and preliminary
 2 injunction came on regularly for hearing at the above-referenced time and date. Counsel for all
 3 parties appeared. Good cause appearing therefor, and satisfactory proof having been made, it is
 4 hereby ORDERED:

5 1. Pursuant to F.R.Civ.P. 56, partial summary judgment as to Verigy US, Inc.'s ("Verigy")
 6 Second Claim for Relief for trade secret misappropriation and the First and Second Counterclaims is hereby
 7 GRANTED in favor of Romi Mayder, Wesley Mayder, Silicon Test Systems, Inc. ("STS") and Silicon Test
 8 Solutions, LLC (collectively, "Defendants"), on the grounds that Verigy's second claim for relief is not
 9 actionable against Defendants because Verigy's alleged trade secrets Verigy (a) are not actual trade secrets
 10 under California law and (b) have not been misappropriated by Defendants.

11 2. Pursuant to F.R.Civ.P. 65, the Court finds that, absent a temporary restraining order granted
 12 without further notice, Defendants are likely to suffer irreparable harm, including harm to STS's
 13 competitive position, loss of future sales, and loss of goodwill in the marketplace, and, good cause
 14 appearing therefor, IT IS FURTHER HEREBY ORDERED THAT:

15 A. Verigy as well as its agents, servants, employees, attorneys, and any other persons in active
 16 concert or participation with them, including, without limitation, any customers, potential customers,
 17 employees, contractors, shareholders, officers, or directors of Verigy, who receive actual notice of this
 18 Temporary Restraining Order, by personal service or otherwise, are hereby restrained and enjoined, from
 19 directly or indirectly falsely threatening any actual or potential employees, contractors, stakeholders,
 20 vendors, customers, or lenders of STS with trade secret litigation;

22 B. This Temporary Restraining Order is entered on _____, 2008 at
 23 _____ m. and shall expire on _____, 2008 at _____ m unless prior to that
 24 date and time, this Temporary Restraining Order is vacated or extended by this Court for good cause
 25 shown, or unless all of the parties to this action stipulate in writing to extend or vacate this Temporary
 26 Restraining Order, any such stipulation being subject to approval by this Court;

1 C. Pursuant to Civil Local Rule 65-1(c), Verigy is further hereby ordered to appear and show
 2 cause why a preliminary injunction should not be entered against Verigy and others acting in concert with
 3 Verigy concerning all of the matters contained in this Temporary Restraining Order, and such Order to
 4 Show Cause hearing shall take place before this Court on _____, 2008 at _____.
 5 m., unless otherwise ordered by this Court; with respect to such Order to Show Cause hearing, (1)
 6 Defendants shall serve a copy of this Temporary Restraining Order and all supporting papers on counsel for
 7 Verigy by 5:00 p.m. on _____, 2008, (2) Verigy shall file and serve on counsel for
 8 Defendants any opposition to the issuance of a preliminary injunction concerning all of the matters
 9 contained in this Temporary Restraining Order by 5:00 p.m. on _____, 2008, and (3)
 10 Defendants shall file and serve on counsel for Verigy any reply or supplemental papers in support of
 11 Defendants motion for a preliminary injunction by 5:00 p.m. on _____, 2008; and

12 D. Pursuant to F.R.Civ.P.65(c), this Temporary Restraining Order shall be subject to, and is
 13 effective upon, Defendants' giving to the Clerk of this Court on or before _____, 2008
 14 security in the form of a surety bond, undertaking, or deposit according to law in the amount of ten
 15 thousand dollars and no cents (\$10,000.00).

16
 17 **IT IS SO ORDERED.**

18 **Dated:** _____, 2008

By: _____
Honorable Ronald M. Whyte
United States District Judge